

MEMBERS SITTING		VOTE OF THE BOARD				
		NON	GEN	UOTHG	OTHER	DENY
COL LLOYD F. LeROY						X
LT COL RICHARD M. STEDDING, JR.						X
LT COL NORMAN L. BURSON						X
LT COL DAVID A. CHRISTIANSON						X
LT COL STEVEN A. SIMON						X
ISSUES A92.01, A94.11, A94.53	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD				
		1	ORDER APPOINTING THE BOARD			
		2	APPLICATION FOR REVIEW OF DISCHARGE			
		3	LETTER OF NOTIFICATION			
		4	BRIEF OF PERSONNEL FILE			
			COUNSEL'S RELEASE TO THE BOARD			
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
		X	TAPE RECORDING OF PERSONAL APPEARANCE HEARING			
HEARING DATE 980902		CASE NUMBER FD97-00315				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AFHQ FORM D-454.						
REMARKS						
Case heard at Dobbins, ARB GA						
Advise applicant of the decision of the Board.						
SIGNATURE OF RECORDER <i>Steven A. Simon</i> STEVEN A. SIMON, LT COLONEL, USAF		SIGNATURE OF BOARD PRESIDENT <i>Lloyd F. LeRoy</i> LLOYD F. LeROY, COLONEL, USAF				
INDORSEMENT						DATE 98/09/23
TO: SAF/MIBR 650 C Street West, Suite 40 RANDOLPH AFB, TX 78150-4742		FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1635 COMMAND DR. 6E WING 3rd Floor ANDREWS AFB MD 20331-7002				
ADVISE THE APPLICANT, NEXT OF KIN, LEGAL GUARDIAN OR OTHER OF THE BOARD'S DECISION. SEE REMARKS SECTION FOR ADDITIONAL INSTRUCTIONS.						

GENERAL: The applicant appeals for upgrade of discharge to Honorable and change of reason for discharge.

The applicant appeared and testified before the Discharge Review Board without counsel at Dobbins ARB, Georgia on September 2, 1998.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge and change of reason for discharge are denied.

The Board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issues 1 and 2 are similar and will be addressed together. The applicant contended she was rushed into a supervisor's position and worked twelve-hour shifts without the assistance of senior NCOs, as substantiated by her evaluations. The Board carefully reviewed the applicant's military record and the documents she submitted, finding evidence that the applicant worked hard and did well. In reviewing the documented misconduct, however, the Board concluded that the negative aspects of her service outweighed the positive, rendering her General service characterization equitable.

Issues 3, 6 and 7 are similar and will be addressed together. The applicant stated she was unfairly treated, partly due to a sexual harassment complaint she submitted. The Board was very interested in the final resolution of that complaint. Unfortunately, the applicant's record contained no information regarding the complaint and the applicant was unaware of the results. Without specific information regarding whether or not any of the allegations were substantiated, it was impossible for the Board to evaluate this matter. Consequently, the Board was unable to award an upgrade based on the issues.

Issues 4 and 5 are similar and will be addressed together. The applicant claimed she was "followed, threatened, intimidated, and shunned" and that she worked 70 - 80 hours per week while her "supervisors were out playing golf, barbecuing, and enjoying their families." As with the previous issues, there was no evidence to corroborate these allegations. The charges sounded very serious and the Board, lacking proof, was forced to make the conclusion that, if true, her complaint would have been acted upon and the investigators would have substantiated her allegations. Absent independent corroboration of her claims, the Board found the issues to be without merit.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings, the Board further concludes that there exists no legal or equitable basis for upgrade of or change of reason for discharge, thus the applicant's discharge should not be changed.

1 Attachment:

1. Examiner's Brief

02 SEP 1998

FD-97-00315

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED] (Former AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 95/03/20 UP AFI 36-3208, Para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge & Change Reason for Disch.

2. **BACKGROUND:**

a. DOB: 72/06/22. Enlmt Age: 19 1/12. Disch Age: 22 8/12. Educ: HS
DIPL. AFQT: n/a M-34, A-86, G-55, E-53. PAFSC: 1C031 - Airfield
Management Apprentice. DAS: 92/07/20.

b. Prior Sv: AFRes 91/08/15 - 92/03/20 (7 mos 5 days) (Inactive)

3. **SERVICE UNDER REVIEW:**

a. Enld as: AB 92/03/20 for (4) Yrs. Svd: 3 Yrs 0 Mo 1 Das,
all AMS.

b. Grade Status: AMN - 94/05/26 (ART15, 94/05/26)
A1C - 93/07/20
AMN - (EPR Indicates) 92/03/20 - 93/11/19

c. Time Lost: none.

d. Art 15's: (1) Plattsburg AFB, NY - You did, at Plattsburgh Air
Force Base, o/a 14 May 94, w/o auth, fail to go
at the time prescribed to your appointed place of
duty. Rdn to Amn. (Appeal) (No mitigation).

e. CM: none.

f. Record of SV: 92/03/20 93/11/19 Plattsburgh AFB 3 (Initial)
93/11/20 94/04/30 Plattsburgh AFB 3 (CRO)
(Disch fr Plattsburg AFB)

g. Awards & Decs: NDSM, AFTR.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 380TH AIR REFUELING WING

2 February 1995

MEMORANDUM FOR [REDACTED]

FROM: 380 OSS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFI 36-3208 paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as under honorable conditions (general) discharge.

2. My reasons for this action are:

a. On or about 21 Dec 94, you departed [REDACTED] FB NY and traveled to [REDACTED] where you remained until 27 Dec 94. However, you did not notify your supervisor of your intention to leave the local area nor did you apply for leave to cover your absence. For this incident you received a Letter of Reprimand on 5 Jan 95, which was placed in your existing Unfavorable Information File.

b. On or about 16 Sep 94, at approximately 0900 hours, you left your designated work area in the OSS orderly room without permission. You did this despite being briefed on office policy requiring people to sign out and to inform your supervisor of your whereabouts. Furthermore, we were unable to locate you for the rest of the day and you did not return to work until the following duty day at 0730. Also on 18 Sep 94, you were clocked by Security Police radar and found to be traveling 11 miles over the speed limit on [REDACTED]. For both of these incidents you received a Letter of Counseling dated 22 Sep 94.

c. On or about 14 May 94, you did, without authority, fail to go at the time prescribed to your appointed place of duty, despite being told by three superior Air Force members that you needed to report for duty. Moreover, when your supervisor [REDACTED] first told you to report for work at 0340 hours, you hung up on her. For this offense you received an Article 15 punishment on 16 Jun 94 consisting of a reduction in grade from Airman First Class to Airman. Also, the Article 15 was placed in your existing Unfavorable Information File.

d. On or about 14 Dec 93, you were derelict in the performance of your duties in that you were found sleeping while performing duty as a Base Operations Dispatcher. For this offense you received a Letter of Reprimand dated 20 Dec 93, which was placed in a newly established Unfavorable Information File.

e. On or about 8 Oct 93, you failed to attend a mandatory Squadron Commander's Call. Also on that same day, you reported to work without a belt and you displayed a disrespectful and lackadaisical attitude toward an NCO while being verbally counseled. For these infractions you were given Records of Counseling (AF Form 174) on 14 Oct 93.

f. On or about 24 Dec 92, you were derelict in the performance of your duties as Base Operations Dispatcher in that you were found sleeping while on duty. For this offense you received a Letter of Counseling dated 24 Dec 92.

g. Between 21-26 Oct 92, you failed to obey an order from [REDACTED], the Chief Dispatcher, to obtain a new military ID card. This order was given to you on 21 Oct 92 after you told [REDACTED] that your ID card had been lost for 3 to 4 days. For this infraction you received a Record of Counseling on 26 Oct 92.

ISSUE 5

Our duty section worked approximately 70-80 hours a week. We were always sick and working when our supervisors were out playing golf, barbecuing and enjoying their families. After months of not being able to go on leave and being sick on and off, I finally inquired to the 1st Sgt. that we get more help in from MPC. I explained the shifts that we were working and how our bosses would leave early and come in late, chit chat, smoke a few cigarettes and then leave. The 1st Sgt. inquired to the commander that they should check it out. Nothing was done in the long run and I was threatened that "if I ever go to the 1st Sgt. again I would deeply regret it." I was warned to keep my mouth shut. I was also told that "Rank has it's privileges." If that means stealing Government time, then by all means, rank does have it's privileges.

ISSUE 6

Please note Amn [REDACTED]'s comments about how we were treated as a whole, and how I myself was treated. I felt like a criminal and a convict with the way I was treated. I had a right to file a Sexual Harassment case/and or a harassment case. I stood up for my rights and was retaliated against because I was trying to improve my quality of life, as well as for my co-workers. The bottom line is that our supervisors took months off without taking official leave and tried to keep us quiet about it. I, however, am not the type to be taken advantage of easily.

ISSUE 7

I feel that if I was such a terrible Airman who caused so much trouble and had so many disciplinary problems, why was I discharged on a General under Honorable? It doesn't make much sense to me other than the fact that I was put out of the military because I filed a Sexual Harassment case. I had gone to my commander early on and asked to just separate because I couldn't take being followed, harassed, threatened and intimidated anymore. The next thing I know I am being processed on a 39-10 discharge. Just to give you an idea of my chain of command, I'll start with my immediate supervisor. When I worked the 8pm- 8am shift on weekends, he would call me at about 11 or midnight to tell me that he had "lost his pager." All along he would have his pager by his side and use it as an excuse to get out of the house and cheat on his wife with the other Airman he supervised other than myself. About a half an hour later, his wife would call me and ask me if Sgt. [REDACTED] was there. Our NCOIC was tried and convicted of child molestation. He was court martialled and sent to [REDACTED]. This man made his children do sexual things together and made them watch pornographic movies as a family. This was not very shocking to me as his nickname was "little Hitler." He was an evil man who did nothing but make threats and

will give me every consideration possible to upgrade the reason of my discharge, the re-enlistment code and the actual type of discharge. When the reserve recruiter told me that she heard many stories like mine, it made me sad. Thank you for your time and consideration in this matter. My life has dramatically changed since all this has gone on, but as they say "that , that doesn't kill you makes us stronger", I am living proof of that.